

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.15079 of 2016
and WMP.No.13152 of 2016

1 Mr.R.Muthukumar .. Petitioner

Vs.

1 The District Collector / Chairman
District Vigilance Committee
Erode District.

2 The Revenue Divisional Officer
Gobichettipalayam
Erode District.

3 The Thasildar
Gobichettipalayam
Erode District .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorari and Mandamus to call for the entire records relating to the Impugned Order dated 12.10.2015 passed by the 1st respondent Committee in proceedings Na.Ka.No.7174/2015/ E.Ka and Quash the same and consequently direct the respondents to issue Hindu-Bandi (SC) Community Certificate to petitioner's sons (i) M.Deepak and (ii) M.Gowtham.

For Petitioner : Mr.L.Mouli

For Respondents: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

ORDER

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Heard the learned counsel appearing for the respective parties.

2. The petitioner, challenges the impugned rejection order passed by the 1st respondent dated 12.10.2015, in rejecting the request made by the petitioner to issue community certificate to his children stating that they belong to Hindu-Bandi (SC) Community certificate.

3. It is pertinent to note that as per G.O.(Ms.).No.147 Revenue [RA-3(2)] Department dated 17.03.2016, as regards the Scheduled Castes community certificate, the Issuing Authority is Tahsildar, the Appellate Authority is the Revenue Divisional Officer and the Redressal of Grievance Cell is the District Collector. In the case on hand, the petitioner, after submitting his application before the Tahsildar, 3rd respondent and thereafter to the Revenue Divisional Officer, 2nd respondent herein, has approached the District Collector, District Vigilance Committee, Erode District, for issue of community certificate, who rejected the said request on certain grounds. Now, this Court cannot take up a roving enquiry and as such, it is for the competent authority to investigate and identify a community, after adhering to all the fundamentals of enquiry, as stipulated by this court from time to time. The writ petitioner can make the request to the Tahsildars with or without the recommendation of the Revenue Inspectors/Village Administrative Officers. If it is without the reports of the Revenue Inspectors/Village Administrative Officer, the Tahsildar can send the papers to either one or both of them for report.

4. For the aforesaid reasons, we are inclined to set aside the impugned order dated 12.10.2015. Accordingly, the impugned order is set aside. The petitioner is directed to approach the competent authority namely the Tahsildar along with necessary documents. The Tahsildar, on receipt of application, if any filed by the petitioner, shall consider the same and after following the rules and guidelines regarding issuance of community certificate, shall pass necessary orders.

5. The Writ Petition is allowed on the above terms. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

1 The District Collector / Chairman
District Vigilance Committee
Erode District.

2 The Revenue Divisional Officer
Gobichettipalayam
Erode District.

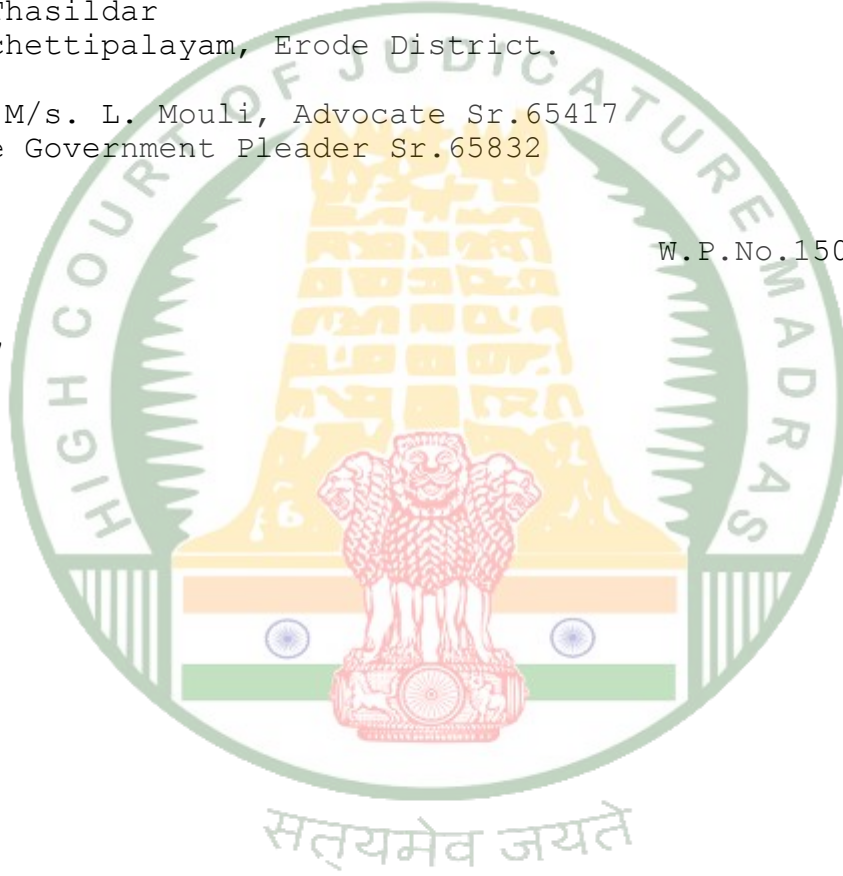
3 The Thasildar
Gobichettipalayam, Erode District.

+ 1 cc to M/s. L. Mouli, Advocate Sr.65417

+ 1 cc the Government Pleader Sr.65832

W.P.No.15079 of 2016.

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